

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Olufunke Awosogba	Team: Team # 6	CCRB Case #: 200610087	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/02/2006 1:45 AM	Location of Incident: § 87(2)(b)	Precinct: 09	18 Mo. SOL 2/2/2008	EO SOL 2/2/2008	
Date/Time CV Reported Wed, 08/02/2006 3:19 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 08/02/2006 3:19 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Eric Robinson	23972	934118	009 PCT
2. POM Joe Frazier	07908	936618	009 PCT
3. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Edward Heck	02763	901675	009 PCT
2. POM Richard Labore	03207	936896	009 PCT
3. POF Angelina Lebron	01631	938831	009 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Joe Frazier	Abuse: PO Joe Frazier entered § 87(2)(b)	§ 87(2)(b)
B.POM Eric Robinson	Abuse: PO Eric Robinson entered § 87(2)(b)	§ 87(2)(b)
C.POM Eric Robinson	Abuse: PO Eric Robinson damaged § 87(2)(b)'s property.	§ 87(2)(b)
D.POM Joe Frazier	Abuse: PO Joe Frazier damaged § 87(2)(b)'s property.	§ 87(2)(b)
E. An officer	Discourtesy: An officer spoke obscenely to § 87(2)(b)	§ 87(2)(b)

Synopsis

On August 2, 2006, at approximately 1:45 AM, officers knocked on § 87(2)(b)'s apartment door located at § 87(2)(b) in Manhattan because of a 911 complaint made by § 87(2)(b)'s neighbor § 87(2)(b). § 87(2)(b) against § 87(2)(b) regarding noise disturbance. § 87(2)(b) opened his door asked the officers what they wanted, and then slammed the door on the officers. After § 87(2)(b) refused to open the door when the officers knocked a second time, PO Eric Robinson and PO Joe Frazier entered § 87(2)(b)'s apartment through the fire escape window shared by § 87(2)(b) and § 87(2)(b) (allegation A and B). The officers allegedly damaged § 87(2)(b)'s property while inside of his apartment (allegations C and E) and one of the officers cursed at § 87(2)(b) telling him that they “fucking got in.” (allegation E)

§ 87(2)(g)

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b) (enc. 8a-e)

§ 87(2)(b) was interviewed at the CCRB on August 18, 2006. § 87(2)(b) stated that on August 2, 2006 at approximately 1:45 AM he was in his bedroom at § 87(2)(b) when he heard loud banging on the door. § 87(2)(b)'s friend, § 87(2)(b) was in the shower and did not witness the incident. § 87(2)(b) walked into the living room, looked out of his peephole, and saw four uniformed officers, three males and one female, standing in the hallway. § 87(2)(b) is a five story building with eight apartments. The front door to the building is always locked, so § 87(2)(b) assumed that his neighbor (§ 87(2)(b), § 87(2)(b)) let the officers in.

§ 87(2)(b) lowered his music and opened the door slightly, leaving the chain fastened. § 87(2)(b) asked the officers, “What do you want?” and one of the male officers (who remains unknown) instructed him to open the door. § 87(2)(b) told the officer that he would not open the door. The officer repeated that he had to open the door. The officers did not give any reason for why they were there even though § 87(2)(b) asked four to five times. § 87(2)(b) again verbally refused; he then shut his door and locked it.

§ 87(2)(b) returned to his bedroom, but the officers continued to bang on the door. § 87(2)(b) re-entered the living room and again opened the door part way, leaving the chain fastened. § 87(2)(b) again asked the officers what they wanted. The officers demanded that § 87(2)(b) open the door. § 87(2)(b) informed the officers that he had already lowered the volume of his music so that there was no reason for them to enter. Telling the officers, “Leave me alone,” § 87(2)(b) shut the door.

A few minutes later, while he was in his bedroom, § 87(2)(b) heard banging on his living room window. § 87(2)(b) informed him the following day that he had allowed the officers to enter his apartment (§ 87(2)(b)) and go through his window to § 87(2)(b)'s fire escape. The officers, only one male and the female, then shined their flashlights through § 87(2)(b)'s window and knocked against the window with their flashlights (the investigation determined that these officers were PO Robinson and PO Frazier). § 87(2)(b) pulled up the blinds and asked the officers what they wanted. PO Robinson and PO Frazier told him to open the window. § 87(2)(b) replied, “Just like I’m not opening the door, I’m not opening the window. Please go away.” The officers again instructed him to open the window. § 87(2)(b) refused, told the officers that he was going back to bed, closed the blinds, and walked back to his bedroom.

Less than a minute later, § 87(2)(b) heard a loud crashing noise and banging. He also heard the “shredding” and “ripping” of his mini-blinds. Afraid to exit his bedroom, § 87(2)(b) peeked around the corner and observed the two officers “busting through” his window, entering his home, and “tearing things up.” § 87(2)(b) remained in his bedroom; he eventually heard the male officer say something to the effect of, “Yeah, we fucking got in now. What do you fucking think of that?” The officers remained in the living room and never entered the bedroom.

After a minute or two, PO Robinson and PO Frazier unlocked § 87(2)(b)'s apartment door and walked out of his apartment, slamming the door behind them. § 87(2)(b) entered his living room and

surveyed the damages, of which he provided photographs (enc. 5a-c). The officers had removed the window, and the pegs on the frame apparently hit the wall near window, causing holes. The officers also broke glasses, threw an ashtray on the floor leaving ashes scattered around the area, tore down and damaged the mini-blinds, and damaged the screen on § 87(2)(b)'s wide screen television. In addition, the officers pulled all of the electrical cords out of the outlets (including the cords to § 87(2)(b)'s DVD player, VCR, television, surround sound, etc.), turning off his disco ball and strobe light. When asked about the mirror that he mentioned in his initial complaint, § 87(2)(b) described a black leather mirror, a couple of feet in size, which he keeps behind his front door. The mirror was shattered, but he did not have a photograph of that damage.

§ 87(2)(b) looked outside his living room window and saw two police vehicles, one of which was RMP #2219. He called 911 and told the operator that police officers just broke into his house (see 2nd 911 call & Sprint § 87(2)(b) in the Communications Records section). The operator informed him that she would send someone out. However, from the window, § 87(2)(b) could see that the same officers that had entered responded to the call. § 87(2)(b) called 911 again and told the operator to make those officers leave because he was afraid of them.

§ 87(2)(b) spoke with IAB (enc. 6a-b); PO Ramos gave him a complaint number and said that he would send a supervisor. Sgt. Edward Heck in vehicle #1269 responded after about ten minutes, with a female officer. § 87(2)(b) asked Sgt. Heck to make a report about forceful entry and breaking and entering, but Sgt. Heck said that he would not do that. Sgt. Heck instructed § 87(2)(b) to call 311 and make a complaint with the CCRB. Sgt. Heck provided § 87(2)(b) with the names of PO Eric Robinson and PO Angelina Lebron as the officers who entered his home. § 87(2)(b) called to file his complaint after Sgt. Heck left. § 87(2)(b) took photographs of Sgt. Heck's RMP from his fire escape outside of his living room window.

In response to questioning, § 87(2)(b) stated many times that neither the officers nor Sgt. Heck gave him any indication as to why the officers came to his home. He also said that his neighbor did not give him any information about what the officers told him when they came to his apartment. Finally, at the end of the interview, § 87(2)(b) stated that his neighbor had called the police to complain about § 87(2)(b)'s music being too loud. § 87(2)(b) knew the reason for the officers' visit to his apartment immediately, but the neighbor also confirmed this the following day. § 87(2)(b)'s neighbor has made numerous complaints about him in the past, and § 87(2)(b) has also called the police to complain about his neighbor's noise. § 87(2)(b) could not recall if he had dealt with any of the officers previously but stated that officer are called to their apartments approximately once a month. § 87(2)(b) is away on business most of the time, but when he comes home and has people over, the neighbor always calls.

§ 87(2)(b) did not know § 87(2)(b) last name and did not have his contact information at the time of the interview, but § 87(2)(b) said that he would call with the information. § 87(2)(b) described all of the officers as medium build white males, with a dark brown hair. He described the female officers as 5'8", medium build with blondish/brownish hair.

Results of Investigation

§ 87(2)(b) § 87(2) (enc. 9a-d)

On January 5, 2007 § 87(2)(b) § 87(2) was interviewed at the CCRB. He stated that on August 2, 2006, around 12:30 AM, his neighbor, § 87(2)(b) was "blasting" music from his apartment which is adjacent to § 87(2)(b)'s apartment. According to § 87(2)(b), § 87(2)(b), § 87(2)(b), throws parties twice a month whenever he is home. § 87(2)(b) stated that there are usually few guests that stop by for § 87(2)(b)'s gatherings. § 87(2)(b) did not know how many people were in § 87(2)(b)'s apartment that morning. Because § 87(2)(b) was interrupted from his sleep by the loud music playing and had to wake up hours later for work, he knocked on his living room wall (which is adjacent to § 87(2)(b)'s living room wall) to make § 87(2)(b) aware that the music was disturbing him. § 87(2)(b) did not lower the music down, but instead knocked on his living room wall. § 87(2)(b) called 311 and reported his neighbor.

Forty minutes to an hour passed by before § 87(2)(b) answered to someone that was knocking at his door. He saw § 87(2)(b) standing in front of his door completely nude with an erection. § 87(2)(b) laughed and then ran off. § 87(2)(b) closed his door and called 311 again. The representative transferred him to 911 (see 1st 911 call & Sprint § 87(2)(b) in the Communications Records section). Four officers (three males and one black female) responded to § 87(2)(b)'s call. § 87(2)(b) buzzed the officers

into the building and waited at his front door (which is next to § 87(2)(b)'s front door). Loud music was still playing from § 87(2)(b)'s apartment. The officers knocked for a while, telling § 87(2)(b) that they needed him to turn down the music and that they knew he was inside. The officers then went back to § 87(2)(b).

PO1 (described as a 5'10" white male that appeared to be in his thirties and had a medium build) asked § 87(2)(b) if he had access to a fire escape shared with § 87(2)(b). § 87(2)(b) escorted the officers to the fire escape. PO1 and another officer, PO2 (described as 5'8" white Hispanic male that appeared to be in his thirties), went onto the fire escape while the other two officers remained at the door. Officers (identified in the investigation as PO Robinson and PO Frazier) knocked on § 87(2)(b)'s window for a while, telling § 87(2)(b) to open the door. The knocking got progressively louder, and officers were able to gain entry into § 87(2)(b)'s apartment. § 87(2)(b) did not hear any commotion, objects breaking, or people talking because the music was still very loud. § 87(2)(b) stated that he wanted to remain out of the officers' way, and did not watch as the officers enter § 87(2)(b)'s apartment. After the officers gained entry into the apartment, the music playing stopped. The officers were inside of § 87(2)(b)'s apartment for a few minutes, and were at the location for a total of ten to fifteen minutes.

The next day, § 87(2)(b) and § 87(2)(b) ran into each other inside of the building. § 87(2)(b) with the assumption that § 87(2)(b) called the police, complained to § 87(2)(b) that the officers were rude and damaged his stereo. § 87(2)(b) stated that he did not tell § 87(2)(b) that he called police, but that it was assumed since § 87(2)(b) has called police on § 87(2)(b) several times in the past about noise disturbance. During the interview, § 87(2)(b) emphasized that the officers were polite and that § 87(2)(b) is usually rude and uncooperative with officers, by telling them, "Go fuck yourself," not turning down his music, and not opening the door when asked.

PO Eric Robinson (enc. 10a-11c)

On February 6, 2007, PO Eric Robinson (a 5'11", 235-pound white male with hazel eyes and brown hair) was interviewed at the CCRB. At the time of the incident PO Robinson had been with the NYPD for almost two years. He stated that he worked from August 2, 2006 at 11:15 PM to 7:50 AM on August 3, 2006, with PO Lebron and used RMP 2219. He was assigned to Patrol Sector B. PO Robinson read the following memo book entries: at 1:37 AM, 10-30 (robbery in progress) at § 87(2)(b); at 1:55 AM, vertical conduct (Sprint # § 87(2)(b) at 2:15 AM, 10-68 (see complainant) at § 87(2)(b) at 2:20 AM, 10-84 (arrived at the scene) and 10-75V (vertical patrol); at 2:40 AM, 10-90Y (complaint uncooperative).

On August 2, 2006, at approximately 1:25 AM, PO Robinson and PO Lebron (a white female) responded to a noise complaint at § 87(2)(b) in Manhattan. Upon arrival, an unknown female tenant on the § 87(2)(b) floor asked the officers if they were here for the tenant on the § 87(2)(b) floor and added that that tenant is always trouble or on drugs. The officers asked her if she called, and she told them that she didn't call. The officers proceeded to the § 87(2)(b) floor and met the complainant, § 87(2)(b) who repeated what the female tenant told the officers about § 87(2)(b) using drugs. There was loud music coming from § 87(2)(b)'s residence.

Two male officers (identified through the investigation as PO Frazier and PO Labore) arrived on the scene after PO Robinson and PO Lebron as they were approaching the § 87(2)(b) floor. PO Frazier and PO Labore knocked on the door, and when § 87(2)(b) opened the door, he looked like he was "on something." PO Robinson stated that his whole appearance was disheveled because he had "clammy-looking" skin and messy hair. PO Robinson stated that he did not recall § 87(2)(b) smelling of any alcohol and did not recall smelling any drugs in the air. § 87(2)(b) quickly slammed the door on the officers before the officers were able to speak to him. The officers knocked again, but § 87(2)(b) did not respond. At this time, PO Robinson believed that § 87(2)(b)'s well-being was in danger because § 87(2)(b) showed no reluctance to open his door the first time. PO Robinson stated that he would expect § 87(2)(b) to tell them to go away or make a comment along those lines if he was mad at the officers, but § 87(2)(b) gave no response to the officers. PO Robinson stated that he did not think that § 87(2)(b) was not choosing to open the door, but that § 87(2)(b) could not open the door.

§ 87(2)(b) told the officers that he shared a fire escape with § 87(2)(b) and allowed the officers to enter his apartment and go through his window onto the fire escape. PO Robinson and another officer went out on the fire escape. PO Robinson did not recall which officer was with him, but knew that it wasn't PO Lebron. (The investigation determined that the officer that went with PO Robinson was PO Joe Frazier.) PO Robinson was positioned in front of § 87(2)(b)'s window and PO Frazier stood behind

him. § 87(2)(b)'s window was opened, and PO Robinson could see the living room from outside because the room was well-lit. PO Robinson stated that the music was still playing and that he could not see or hear any persons. PO Robinson called out to § 87(2)(b) at the window to get his attention. The window was open and its blinds were up. PO Robinson screamed, "Hello, sir. Are you in there?" for an unspecified amount of time. (PO Robinson could not recall how long he was on the fire escape and how many times he called out to § 87(2)(b) before he entered § 87(2)(b)'s apartment through the living room window.) PO Robinson did not recall how wide the window was open, but knew that it was more than a crack.

PO Robinson stated that he was concerned about § 87(2)(b)'s well being because § 87(2)(b) did not respond to the officers at all (knocking on the door and yelling to him from the fire escape) after slamming the door on the officers. PO Lebron and PO Labore remained in the living room area as PO Robinson continued calling for § 87(2)(b). When § 87(2)(b) entered the living room from a back bedroom, he screamed at the officers to "get the fuck out" of his apartment. PO Robinson described § 87(2)(b)'s appearance as a "recreational drug user" and that § 87(2)(b) was "tweaking" (explained as being super-stimulated) because his eyes darted back and forth and he was sweating excessively. PO Robinson asked § 87(2)(b) if he was all right and § 87(2)(b) told him that he was fine. As PO Robinson left § 87(2)(b)'s apartment through the front door with PO Frazier, PO Robinson told § 87(2)(b) to turn his music down because it was disturbing the other tenants. PO Robinson stated that § 87(2)(b) did not state that he wanted to file a complaint against them or against § 87(2)(b) at this time. PO Robinson told § 87(2)(b) that there was nothing that they could do about the situation, and that it is a landlord-tenant situation. § 87(2)(b) turned down the music as the officers left the apartment. PO Robinson stated that he did not touch anything inside of § 87(2)(b)'s apartment.

§ 87(2)(b) called the officers back to the location around 2:15AM. When the officers arrived, § 87(2)(b) was screaming "incoherent curses" at the officers through the door. § 87(2)(b) did not open his door for the officers. PO Robinson asked § 87(2)(b) if he wanted any medical assistance, but § 87(2)(b) refused and told the officers to leave.

PO Joe Frazier (enc. 12a-13b)

On April 10, 2007, PO Joe Frazier (a 6'1", 258-pound white male with brown eyes and black hair) was interviewed at the CCRB. At the time of this incident, PO Frazier had been with the NYPD for about a year. He stated that on August 2, 2006, he worked from 11:15 PM to 7:50 AM with PO Labore on Patrol Sector D. He used RMP 2537. He read the following entry from his memo book: at 1:40 AM, he conducted a vertical at the location (130 Marks Place).

On August 2, 2006, at approximately 1:45 AM, PO Frazier and PO Labore arrived at § 87(2)(b) in Manhattan as back up to PO Robinson and PO Lebron. There was a call about a noise disturbance at the location and, after the officers spoke to the complainant about the situation, the officers knocked on § 87(2)(b)'s door (the complainant § 87(2)(b) § 87(2)(b)'s neighbor who caused the noise disturbance by playing loud music). The loud music was still playing when the officers knocked on the door. After two to three minutes, § 87(2)(b) answered the door. PO Frazier did not see any other individual inside of the apartment. § 87(2)(b) appeared flushed and angry. PO Frazier stated that § 87(2)(b) also appeared to be intoxicated, but stated that he was not close enough to § 87(2)(b) to smell his breath; he determined § 87(2)(b)'s intoxication by his flushed face and glossy eyes. After seeing the officers, § 87(2)(b) yelled at the officers, "What?" then slammed his door on the officers. PO Frazier did not recall if § 87(2)(b) used obscene language. The officers were not able to tell him to lower his music.

§ 87(2)(b) then told the officers that he and § 87(2)(b) share a fire escape. PO Frazier and PO Robinson decided to check with § 87(2)(b) about his well-being and went on to the fire escape while PO Labore and PO Lebron remained inside of § 87(2)(b)'s apartment. (Later in the interview, he stated that he did not recall if there was a discussion about what they should do about the situation.) PO Frazier stated that he became concerned about § 87(2)(b)'s well-being because § 87(2)(b) yelled at the officers, appeared to be intoxicated (during the brief time that he was at the door), and because he heard § 87(2)(b) run to the back of his apartment (after he closed the doors on the officers). PO Frazier went on to the fire escape first; PO Robinson stood behind him. PO Frazier saw the living room through an open window; there was no one in the living room. PO Frazier stated that the living room was dark and that the kitchen light was main source of light. PO Frazier called out five or six times to § 87(2)(b) "Sir, are you all right." PO Frazier stated that PO Robinson was behind him and made no attempts to

call out to § 87(2)(b). After being on the fire escape for one minute and getting no response from § 87(2)(b), PO Frazier and PO Robinson decided to enter § 87(2)(b)'s apartment through the window.

Upon entering § 87(2)(b)'s apartment, PO Frazier continued yelling out to § 87(2)(b) over the music. PO Robinson then turned off the music. PO Frazier stated that he did not see how PO Robinson turned off the music because PO Robinson stayed behind him while they were inside of § 87(2)(b)'s apartment. The officers remained in or around the living room and kitchen area. And aside from PO Robinson touching the stereo to turn off the music, the officers touched nothing in the apartment. After calling § 87(2)(b) seven times, § 87(2)(b) appeared from his bedroom yelling at the officers to get out of his apartment. The officers asked him if he was okay and if he needed any help. § 87(2)(b) told them that he was fine and, again, told them to leave his apartment. The officers then let themselves out of the apartment through the front door. PO Frazier denied that any profanity was used during the incident. The officers were inside of § 87(2)(b)'s apartment for about two to three minutes.

PO Richard Labore (enc. 15a-16b)

On February 27, 2007 PO Richard Labore (a 5'10", 185-pound white male with hazel eyes and brown hair) was interviewed at the CCRB. At the time of the incident, PO Labore had been with the NYPD for about a year. He worked with PO Joe Frazier from 11:35 PM on August 1, 2006 to 7:50 AM on August 2, 2006. He was assigned to Patrol Sector D in the 9th Precinct, and was assigned a marked patrol car. He kept the following memo book entries: at 1:45 AM, he conducted a 75 vertical, and at 2:27 AM, he had a 10-50 (disorderly person) at § 87(2)(b).

On August 2, 2006, at approximately 1:45 AM, in the vicinity of § 87(2)(b) in Manhattan, § 87(2)(b) § 87(2)(b) called 911 about a noise disturbance. PO Labore and PO Frazier responded as backup to the call. When they arrived at the location, PO Robinson and a female officer (identified as PO Lebron) were outside of the location. The four officers entered the building and went up to the § 87(2)(b) floor and met § 87(2)(b). Loud music was coming from § 87(2)(b)'s neighbor's, § 87(2)(b)'s, apartment. § 87(2)(b) complained that § 87(2)(b) had been playing loud music for over an hour and that he often calls the police on him because he does things like that all the time. He also mentioned that his neighbor uses drugs. PO Labore and PO Lebron stayed with § 87(2)(b) while PO Robinson and PO Frazier knocked on § 87(2)(b)'s door. When § 87(2)(b) opened the door, PO Robinson and PO Frazier asked him to turn down the music. § 87(2)(b) said no. The officers asked him if he was okay and if he needed any medical assistance because he did not appear to be well. § 87(2)(b) said, "fuck you," and slammed the door on the officers. PO Labore did not see § 87(2)(b) at all.

§ 87(2)(b) told the officers that he shared a fire escape with § 87(2)(b). PO Robinson and PO Frazier went out on the fire escape. PO Labore and the unidentified female officer stayed with § 87(2)(b) inside of his apartment. After two minutes, PO Labore went to the fire escape to check on the officers. The window was fully opened but the inside of § 87(2)(b)'s apartment was in complete darkness. He did not see anybody or anything. He stated that the window faced the living room. PO Frazier and PO Robinson had entered § 87(2)(b)'s apartment, and by the time PO Labore went back into § 87(2)(b)'s apartment, PO Robinson and PO Frazier were inside of § 87(2)(b)'s apartment. PO Labore was on the fire escape for about thirty seconds. The officers then left the building. At some point before the officers left the building, the loud music coming from § 87(2)(b)'s apartment was turned down or off, but he could not recall when the music was turned down or off. PO Labore stated that he had no interactions with § 87(2)(b) throughout the incident, and that he never entered § 87(2)(b)'s apartment. He also stated that he did not hear any officer curse at § 87(2)(b).

Sgt. Robert Heck (enc. 14a-b)

On February 6, 2007, Sgt. Robert Heck (a 5'10", 200-pound white male with brown eyes and brown hair) was interviewed at the CCRB. On August 6, 2006, he worked from 11:05 PM to 8:02 AM the next day with PO Lorenzo and used RMP with plate number 1269. He was the patrol supervisor. Sgt. Heck had no entries in his memobook regarding this incident.

On August 6, 2006, at approximately 1:25 AM, Sgt. Heck received a call from IAB telling him to go to § 87(2)(b)'s residence § 87(2)(b) in Manhattan. When he arrived at the location, § 87(2)(b) initially refused to open the door, but later, cracked the door open with the metal chain on the door. Sgt. Heck asked § 87(2)(b) why he called IAB, and § 87(2)(b) replied to Sgt. Heck to "go fuck himself." § 87(2)(b) then slammed his door, and Sgt. Heck left. Sgt. Heck initially stated that

§ 87(2)(b) appeared to have been drinking and using drugs. Sgt. Heck did not smell alcohol on § 87(2)(b) but stated that his eyes were bloodshot red.

Communications Documents (enc. 17a-h)

The official *911 recordings* are as follows:

1st 911 call: Man, who lives in § 87(2)(b) complaining of neighbor's music volume. The man § 87(2)(b) knocked on neighbor's § 87(2)(b) door. Neighbor came and knocked on the caller's door, and when the caller opened the door, his neighbor was naked.

2nd 911 call: § 87(2)(b) called, stated that someone took the window out of his apartment, busted through the apartment, torn down the "fucking mini-blinds," and walked out the door. § 87(2)(b) § 87(2)(b) thinks that it was the police in RMP's 2219 and 2537. § 87(2)(b) claims he was sleeping in his bedroom, all the cops were sitting out in front of house; when he got up to come up front, he saw the police walking out of the apartment.

The call was then transferred to IAB. § 87(2)(b) said officers beat down [his] door, went through [his] window, and tore down [his] mini-blinds (RMP 2219). § 87(2)(b) was cursing on the call at IAB officer. Turned tables upside down, busted a mirror. Says he was so scared that he just stayed in his bed. Four officers (2 white males, 1 black male, and 1 white female) asked to come into apartment; § 87(2)(b) opened his door, said "no thank you," and closed and locked his door. The officers then entered through his window, damaged his apartment, and left through the door. When § 87(2)(b) initially refused to open the door, the officers said, "Oh yes you are; we are going to bust down your fucking door." Officers never said why they came to his apartment.

Sprint § 87(2)(b) indicates that sector B responded to a dispute between neighbors, the male caller agreed to meet PD in § 87(2)(b).

Sprint § 87(2)(b) shows that § 87(2)(b) called 911 and reported that four officers in car 2219 "busted" into his apartment by breaking the windows. The officers turned over the tables and damaged his apartment. He stated that it happened at 1:45 AM. The dispatcher then, notified the patrol sergeant (Sgt. Heck) to respond to § 87(2)(b). § 87(2)(b) called again at a later time stating that he was scared because the police who "ransacked" his apartment are still there. § 87(2)(b) wanted the police to go. § 87(2)(b) was advised that a supervisor is responding to the location. § 87(2)(b) then called a third time and stated that he is afraid, and that the police are outside of his location. He stated that cops broke windows and tore through his house and "demolished" his house. He stated that the same car 2210 came back to his house.

Police Documents (enc. 18a-c)

The 9th Precinct *roll call* from August 2, 2006, tour 1 showed that PO Frazier and PO Labore were partnered and assigned to Patrol Sector D. PO Robinson was partnered with PO Lebron.

Civilian's Criminal Conviction History (enc. 19a)

[[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]]
[REDACTED]

Civilian's CCRB History (enc. 4a)

This is § 87(2)(b)'s first CCRB complaint.

Officers' CCRB History (enc. 3a-b)

The CCRB has recommended substantiated charges be brought against PO Robinson in CCRB case no. 200412910 (refusal to provide his name and/or shield number and retaliatory arrest), but, to date, the NYPD has not issued discipline. PO Frazier has no prior CCRB allegations against him.

Conclusions and Recommendations

Officer Identification

The sprint showed that officers assigned to Patrol Sector B responded to the 911 complaint at § 87(2)(b) which included PO Robinson, PO Frazier, PO Labore, and PO Lebron according to the roll call. The officers that were interviewed at the CCRB admitted their participation in the incident. The Sprint also indicated that a sergeant was called to the location after § 87(2)(b) called 911 regarding his encounter with the aforementioned police officers. Sgt. Heck was listed on the roll call as the assigned patrol sergeant, and he acknowledged that he and PO Lorenzo responded to the location regarding § 87(2)(b)'s call. § 87(2)(g)

Disputed Issues and Undisputed Facts

PO Robinson, PO Frazier, PO Labore, and PO Lebron responded to § 87(2)(b) because § 87(2)(b), § 87(2)(b)'s next door neighbor, called 911 and reported that § 87(2)(b) was making unnecessary noise and inappropriately showed his naked body to § 87(2)(b). Loud music was still playing from § 87(2)(b)'s apartment when the officers arrived at the location and the officers spoke with § 87(2)(b) first before knocking on § 87(2)(b)'s door. Officers made two attempts to speak to § 87(2)(b). § 87(2)(b) opened the door but slammed the door on the officers the first time that the officers knocked on the door. § 87(2)(g)

PO Robinson and PO Frazier went on the fire escape shared by § 87(2)(b) and § 87(2)(b) and entered § 87(2)(b)'s apartment through the window. § 87(2)(g)

The officers were inside of § 87(2)(b)'s apartment for a short time before they let themselves out of the apartment. § 87(2)(g)

Assessment of Evidence

PO Robinson and PO Frazier told the CCRB that they entered § 87(2)(b)'s apartment because they determined that § 87(2)(b)'s well-being was in danger. § 87(2)(g). PO Robinson stated that he concluded that § 87(2)(b) was in danger based on the fact that § 87(2)(b) showed no reluctance to open his door the first time" and based on § 87(2)(b)'s disheveled appearance in the brief moment that he saw him at the door. PO Frazier stated that he determined that § 87(2)(b) was in danger because § 87(2)(b) "yelled at the officers" and "appeared to be intoxicated," and "heard § 87(2)(b) run to the back of his apartment." § 87(2)(b), § 87(2)(g)

PO Robinson and PO Frazier did not consult Sgt. Heck, the supervising patrol officer on duty at the time of the incident, about the situation prior to entering § 87(2)(b)'s apartment. Sgt. Heck got involved in the situation after the officers left the location and § 87(2)(b) called 911 about officers "bust[ing] into his apartment." § 87(2)(b), § 87(2)(g)

§ 87(2)(b) alleged that PO Robinson and PO Frazier damaged his wall, mini-blinds and the screen on his wide screen television and that they broke glasses. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g) PO Frazier stated that PO Robinson turned off the music while they were inside of § 87(2)(b)'s apartment, but PO Robinson's denied that he touched anything inside of § 87(2)(b)'s apartment. PO Robinson stated that § 87(2)(b) turned down his music as he and PO Frazier left his apartment. § 87(2)(b), § 87(2)(g)

PO Robinson and PO Frazier denied that they cursed at § 87(2)(b)

Allegation A: PO Joe Frazier entered § 87(2)(b)

Allegation B: PO Eric Robinson entered § 87(2)(b)

§ 87(2)(g)

the Emergency Doctrine under New York State law is an exception that allows an officer to enter an apartment without a warrant. According to the Emergency Doctrine, officers must have reasonable grounds to believe that there is an emergency at hand and that there is an immediate need for their assistance for the protection of life (enc. 1a-b). § 87(2)(g)

Patrol Guide Procedure 214-23 regarding unnecessary noise violations (enc. 2a-c), which explicitly states that "the decision to forcibly enter into private or semi-private premises to correct noise complaint will ONLY be made by a precinct commander/duty captain and ONLY as a last resort, after requests to stop the noise have been ignored." § 87(2)(g)

Allegation C: PO Eric Robinson damaged § 87(2)(b)'s property.

Allegation D: PO Joe Frazier damaged § 87(2)(b)'s property.

§ 87(2)(g)

Allegation E: An officer spoke obscenely to § 87(2)(b)

§ 87(2)(b) also alleged that an officer spoke rudely to him while inside of his apartment, and
§ 87(2)(b), § 87(2)(g)

PO Robinson and PO Frazier denied that they spoke rudely to § 87(2)(b)
commenting, “Yeah, we fucking got in now. What do you fucking think of that?” § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: